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Paper No. 16

In re application of
Martin Schallner et al.
Serial No. 09/532,144
Filed: March 31, 2000
For: LAYER SEQUENCE BUILT ON A SUBSTRATE
IN THIN-FILM TECHNOLOGY

DECISION ON RENEWED PETITION

This is a decision on the RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed September 3, 2004, to supplement the earlier petition filed August 7, 2003.

DISCUSSION

Petitioner asserts that a timely petition to the Notice of Abandonment was submitted but that an incorrect serial number was provided thereon, causing the Office not to act on said petition. A review of the petitioner's evidence provided with the instant renewed petition indicates that the request has merit.

Petitioner's evidence of timely filing includes a copy of the original petition with the application misidentified and a copy of the log report indicating transmittal within the two month period required under 37 CFR 1.181(f).

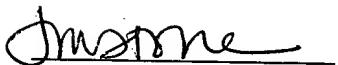
This evidence indicates petitioner has met their duty in timely petitioning the withdrawal of abandonment. As such the petition filed August 7, 2003, will be considered on its merits.

As set forth in the Decision mailed July 27, 2004, petitioner's evidence of timely filing Formal Drawings includes a copy of the returned postcard; date stamped by the Office, indicating the Office had in fact received the Formal Drawings.

DECISION

In view of the fact that the Office received the Formal Drawings and that such drawings or acceptable copies thereof are present in the application file, the petition to withdraw the Notice of Abandonment mailed June 27, 2002 is GRANTED.

The application will be returned to pending status and returned to the Office of Publications to continue processing to Issue.



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